

# TOGETHER WITH TOSHA



Department of  
**Labor & Workforce  
Development**

TOSHA

Fall 2016

## OSHA'S Construction Silica Rule: Construction

OSHA is issuing two standards to protect workers from exposure to respirable crystalline silica—one for construction, and the other for general industry and maritime—in order to allow employers to tailor solutions to the specific conditions in their workplaces.

### Who is affected by the construction standard?

About two million construction workers are exposed to respirable crystalline silica in over 600,000 workplaces. OSHA estimates that more than 840,000 of these workers are exposed to silica levels that exceed the new permissible exposure limit (PEL).

Exposure to respirable crystalline silica can cause silicosis, lung cancer, other respiratory diseases, and kidney disease. Exposure can occur during common construction tasks such as using masonry saws, grinders, drills, jackhammers and handheld powered chipping tools; operating vehicle-mounted drilling rigs; milling; operating crushing machines; and using heavy equipment for demolition or certain other tasks.

The construction standard does not apply where exposures will remain low under any foreseeable

conditions; for example, when only performing tasks such as mixing mortar; pouring concrete footers, slab foundation and foundation walls; and removing concrete formwork.

### What does the standard require?

The standard requires employers to limit worker exposures to respirable crystalline silica and to take other steps to protect workers.

The standard provides flexible alternatives, especially useful for small employers. Employers can either use a control method laid out in Table 1\* of the construction standard, or they can measure workers' exposure to silica and independently decide which dust controls work best to limit exposures to the PEL in their workplaces.

Regardless of which exposure control method is used, all construction employers covered by the standard are required to:

- Establish and implement a written exposure control plan that identifies tasks that involve exposure and methods used to protect workers, including procedures to restrict access to work areas where high exposures may occur.

- Designate a competent person to implement the written exposure

control plan.

- Restrict housekeeping practices that expose workers to silica where feasible alternatives are available.

- Offer medical exams—including chest X-rays and lung function tests—every three years for workers who are required by the standard to wear a respirator for 30 or more days per year.

- Train workers on work operations that result in silica exposure and ways to limit exposure.

- Keep records of workers' silica exposure and medical exams.

### When are employers required to comply with the standard?

Construction employers must comply with all requirements of the standard by June 23, 2017, except requirements for laboratory evaluation of exposure samples, which begin on June 23, 2018.

### Additional information

Additional information on OSHA's silica rule can be found [here](#). The new OSHA small compliance guide can be found [here](#).

OSHA can provide extensive help through a variety of programs, including technical assistance about effective safety and health programs, workplace consultations, and training and education. TOSHA Consultative Services can be reached at 800-325-9901.

## Fall 2016

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### In this issue

Safety Fest/Winter  
Weather

RF Radiation  
Awareness

Evergreen  
Packaging

Safer Alternatives  
to Paint Removers/  
Electricity & Tree  
Care Work

Engineering  
Controls/ Extended  
Delay of Enforce-  
ment for 1904.35

Creating a Safety &  
Health Plan/TSHC  
Save the Date

Fatality Statistics

Bulletin Board

Contact  
Information



The 2015 injury and illness rates were recently released by the Bureau of Labor Statistics (BLS). The DART and TCIR rate for all industry in Tennessee, including state and local government, fell again and remained below the national average. The DART rate for Tennessee was 1.6 and the TCIR rate was 3.2, each .1 below the national average. The workplace fatality rate in Tennessee continues to be higher than the national average. The rate for 2015 will not be published until early next year but I expect it will again be above the national average. As

of November 18, 2016, Tennessee OSHA has investigated 31 workplace fatalities. This is more than we investigated at this point in 2014 and similar to last year. It is always good news when injury and illness rates drop but we must all work together to eliminate workplace fatalities and drive rates to the lowest possible level.

Federal OSHA issued the Updated General Industry Walking-Working Surfaces and Fall Protection Standards on November 17, 2016. The initial effective date in Tennessee will likely be sometime in March or April 2017. After TOSHA adopts the standard the federal phase in dates will apply. Additional information is available [here](#).

The Guidelines for Safety and Health Programs, first released 30 years ago, have recently been updated to reflect changes in the economy, workplaces, and evolving safety and health issues. As advances in technology continue to impact both large and small businesses at an astounding pace it is imperative to focus on a “system” of safety and health management that can effectively detect and even anticipate hazards. Additional guidance on implementing the guidelines can be located in this newsletter and [here](#).

Tennessee OSHA was proud to co-sponsor the annual Safety Fest, held in Oak Ridge September 12-16, 2016. The event was a success again this year and featured experts who led more than 70 free classes, seminars, and demonstrations. The safety expo included exhibitors from a wide variety of organizations, including Tennessee OSHA.

Please mark your calendar for the 2017 Congress; July 30-August 2, 2017. We are looking forward to having everyone out for the 40th Annual TSHC.

As the holidays and winter weather approach I encourage each of you to remain attentive to workplace hazards so that everyone can enjoy this holiday season.

- Steve Hawkins, TOSHA Administrator

# Safety Fest

Here are a few photos from this year's Safety Fest! Thank you to everyone who came out and made the Fest a success! Photo Credit: DOE/Lynn Freeny and TOSHA's Michael Johnson.



## WINTER WEATHER Plan. Equip. Train.

To prevent injuries, illnesses, and fatalities during winter storms.

### Preventing Slips on Snow and Ice

To prevent slips, trips, and falls, employers should clear snow and ice from walking surfaces, and spread deicer, as quickly as possible after a winter storm. When walking on snow or ice is unavoidable workers should be trained to:

- Wear footwear that has good traction and insulation (e.g. insulated and water resistant boots or rubber over-shoes with good rubber treads)
- Take short steps and walk at a slower pace to react quickly to changes in traction

### Preventing Falls When Removing Snow from Rooftops and Other Elevated Surfaces

[OSHA's Hazard Alert](#)\* and winter weather [webpages](#) provide guidance to employers on how to prevent serious injuries and fatalities. Employers should consider options to avoid working on roofs or elevated heights, plan ahead for safe snow removal and must:

- Provide required fall protection and training when working on the roof or elevated heights
- Ensure ladders are used safely (e.g. clearing snow and ice from surfaces)
- Use extreme caution when working near power lines
- Prevent harmful exposure to cold temperatures and physical exertion

Click here for more information and for a winter checklist click [here](#).



# RF Radiation Awareness

Workers who perform tasks on rooftops, sides of buildings, news gathering trucks, and other structures where cellular antennas and other RF (radiofrequency) generating devices are present may be at risk of exposure to hazardous levels of RF radiation.

The Radiofrequency (RF) Radiation Awareness Program for the Construction Industry (could also apply to general industry) was developed by the [Roofing r2p Partnership](#)\* and the multi-trade labor-management RF Radiation Work Group\*. The Program is intended to raise construction contractors' and workers' awareness of the potential risk, how to identify the hazard, and steps to work safely.

The program consists of the following:

- Presentation — [Radiofrequency \(RF\) Radiation Awareness Program for the Construction Industry Overview](#)
- Video — [Safe Transmission: RF Awareness for the Construction Industry](#)
- Hazard Alert Card — [RF Radiation](#) – An invisible danger (available in [Spanish](#))
- Toolbox Talk — [RF Radiation Awareness](#) (available in [Spanish](#))
- Guide – [Radiofrequency \(RF\) Radiation Awareness Guide for the Construction Industry](#) -- This Guide builds on the information covered in the presentation by providing additional details on how to assess the hazard, find regulations and guidance documents, determine if an RF generating device is present, and find protective equipment.

Click on the following for quick access to specific sections of the Guide:

1. [What is Radiofrequency \(RF\) Radiation?](#)
2. [Common Uses](#)
3. [Health Effects](#)
4. [At Risk Workers](#)
5. [Regulations & Guidelines](#)
6. [Hazard Identification](#)
7. [Protective Measures](#)
8. [Summary](#)



# Evergreen Packaging 20 Years without a Work Injury!

Evergreen Packaging's Royal Blue Chip Mill located in Pioneer, TN recently celebrated an impressive milestone. The seven man operation marked 20 years without a work related lost-time incident. The facility, which started operation in 1995, converts logs to wood chips for the paper industry. The employees have worked more than 328,000 hours without incurring a lost time accident and the last recordable injury occurred in 2002, when an employee was stung by a wasp.

"We at the Royal Blue Chip Mill are proud of our 20 years with no lost time accidents" said Roger Alley, Chip Mill Supervisor.

"It takes the commitment and the awareness of everyone to maintain a safety conscious work environment, from each team member looking out for each other, to encouragement and implementation by management. Willingness to learn and dedication to corrective action that we hope will lead us in another 20 years of safety and productivity. Such an accomplishment is not made by any one person but by each and every member of our team learning and practicing that knowledge each and every work day."

The Royal Blue Chip Mill and their employees have been Voluntary Protection Program partners with TOSHA since 2003.





## Safer Alternatives to Paint Removers

The video, [Toxic Paint Removers: Safer Alternatives](#), produced by the [California Fatality Assessment and Control Evaluation \(FACE\) program](#) within the Occupational Health Branch of the California Department of Public Health, explains the events that led to a near-death incident involving a painter who was overcome by methylene chloride vapors; the hazards of using methylene chloride; and safer alternatives that are available to remove paint and other coatings/finishes. Painting and other contractors are encouraged to include this video as part of a comprehensive safety and health training program.

In addition, OSHA just released [FatalFacts: Lethal Exposure to Methylene Chloride during Bathtub Refinishing](#), which was developed to specifically convey the seriousness of the risks when stripping coatings/finishes from bathtubs. OSHA and NIOSH also co-branded a [Methylene Chloride Hazards for Bathtub Refinishers Hazard Alert](#) in 2013.

For more information on how to protect workers from exposure to methylene chloride during paint/coating/finish removal, please see these additional resources:

- [Methylene Chloride Safety and Health Topics Page](#) - OSHA
- [Resources to Protect Workers from Methylene Chloride \(Paint Strippers\)](#) - CPWR
- [Methylene Chloride Workplace Safety and Health Topics Page](#) - NIOSH
- [Preventing Worker Deaths from Paint Strippers Containing Methylene Chloride](#) - California Department of Public Health

## Electricity and Tree Care Work



Contact with electricity is one of the leading causes of death for tree care workers. A new [OSHA pamphlet](#) intended for small business owners and front-line supervisors offers measures to ensure that workers know and are prepared for the risks of tree-trimming operations near sources of electricity. These include training workers about potential hazards, making sure workers maintain a distance of at least 10 feet from overhead power lines, and providing proper gloves and shoes for hazards present where tree work is being performed.

# Engineering Controls

Engineering controls protect workers by removing hazardous conditions or by placing a barrier between the worker and the hazard. Examples include local exhaust ventilation to capture and remove airborne emissions or machine guards to shield the worker. Well-designed engineering controls can be highly effective in protecting workers and will typically be independent of worker interactions. They typically do not interfere with worker productivity or personal comfort and make the work easier to perform rather than more difficult. The initial cost of engineering controls can be higher than some other control methods, but over the longer term, operating costs are frequently lower, and in some instances, can provide a cost savings in other areas of the process. To learn more about how engineering controls fit into the strategy for reducing and/or eliminating occupational hazards, visit our [hierarchy of controls](#) website.

NIOSH researchers help prevent occupational disease and injury by conducting engineering control technology evaluations and developing practical, solutions-oriented control technology interventions. To conduct these efforts, NIOSH works collaboratively with partners both in the United States and around the world.

This directory page links to NIOSH engineering control related webpages, projects, programs, tools and resources created to improve workplace health and safety.

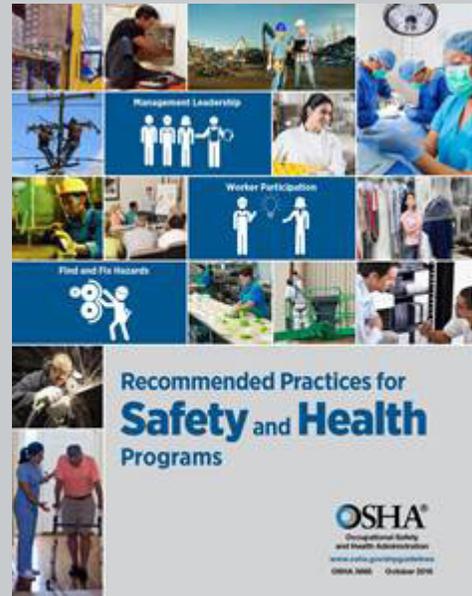
## Extended Delay of Enforcement for 1904.35

The final rule to Improve Tracking of Workplace Injuries and Illnesses contains three new employee involvement provisions that address employer conduct that could discourage employees from reporting work-related injuries or illnesses. The final rule clarifies the existing implicit requirement that an employer's procedure for reporting work-related injuries and illnesses must be reasonable and therefore must not deter or discourage reasonable employees from reporting work-related injuries or illnesses (1904.35(b)(1)(i)); requires employers to inform employees of their right to report work-related injuries and illnesses free from retaliation ((b)(1)(ii)-(iii)); and incorporates into Part 1904 the existing statutory prohibition on retaliating against employees for reporting work-related injuries or illnesses ((b)(1)(iv)). These provisions became effective on August 10, 2016.

OSHA initially delayed enforcement of these provisions until November 1, 2016, to allow time for additional outreach to the regulated community. On October 14, 2016, the United States District Court, Northern District of Texas, asked OSHA to further delay enforcement through December 1, 2016, to allow additional time to consider a motion pending before the court in a case challenging the new provisions, TEXO ABC/AGC Inc. v. Perez, No. 3:16-cv-01998-D (N.D. Tex.). OSHA has agreed and will delay enforcement of the employee involvement provisions of the final rule until December 1, 2016.

# OSHA RELEASES RECOMMENDATIONS FOR CREATING A SAFETY AND HEALTH PLAN

OSHA Assistant Secretary David Michaels today released a set of [Recommended Practices for Safety and Health Programs](#) to help employers establish a methodical approach to improving safety at their workplaces. The recommendations update OSHA's 1989 guidelines to reflect changes in the economy, workplaces, and evolving safety and health issues. Key principles include: leadership from the top to send a message that safety and health is critical to business operations; worker participation in finding solutions; and a systematic approach to find and fix hazards. "We know that working together to implement these programs will help prevent injuries and illnesses, and also make businesses more sustainable," said Dr. Michaels, who released the document at the National Safety Council Congress in Anaheim, Calif. In his remarks, he asked business groups and safety and health professionals to help spread the word through a [campaign](#) that encourages creation of a safety and health program using OSHA's recommendations or others.



[www.tnsafetycongress.org](http://www.tnsafetycongress.org)

July 30 - August 2, 2017

Gaylord Opryland Resort  
and Convention Center  
2800 Opryland Drive  
Nashville, TN 37214

SAVE THE DATE

# 2016 TOSHA Investigated Fatality Statistics

January 1st - November 18th, 2016

# 31

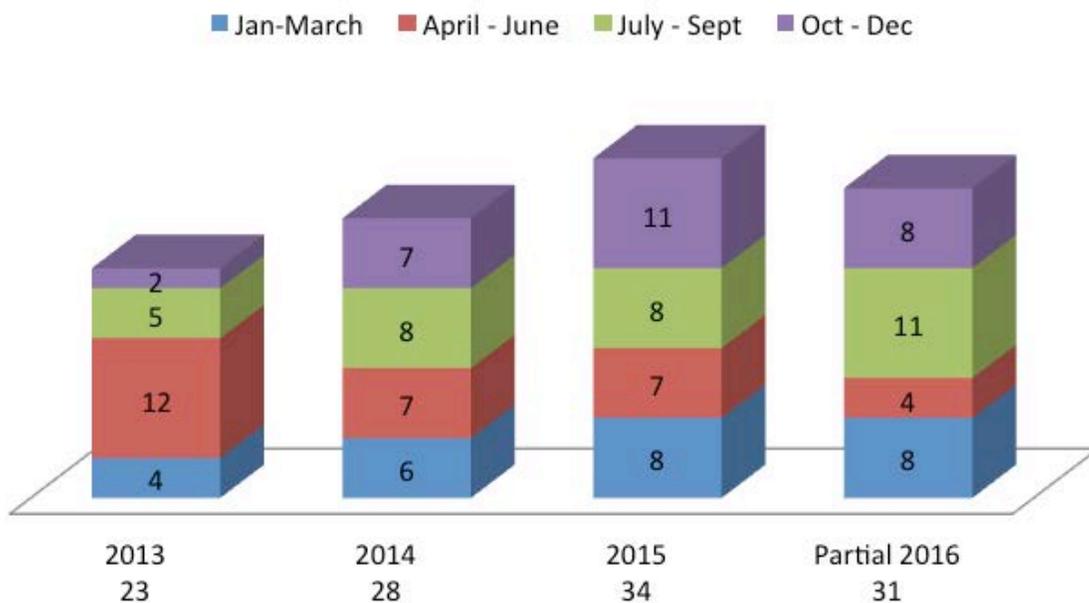
## Industry Sectors per NAICS Codes #

Construction (23) - 14  
Manufacturing (31, 32, 33) - 5  
Warehousing/Transportation (48, 49) - 3  
Wholesale Trade (42) - 2  
Waste Management/Landscaping (56) - 4  
Logging (11) - 2  
Lawn and Garden Stores (44) - 1

## Fatality Root Causes #

Struck by/Crushed by - 18  
Falls - 9  
Electrocution - 1  
Trip/Fall - 1  
Drowning - 1  
Explosion - 1

## Fatality Totals per Quarter



\*\*\*The 2016 statistics may change due to findings during the TOSHA investigation.

# Bulletin Board

**TOSHA wants to hear from you!**

If you have a question about safety and health you would like to have answered please submit a Dear TOSHA question to: [Jennifer.Farrar@tn.gov](mailto:Jennifer.Farrar@tn.gov).



**Handouts and Toolbox Talks for Construction**

**TOSHA SPRING TRAINING SEMINAR SCHEDULE COMING IN DECEMBER, CHECK BACK HERE!**

<p><b>OSHA 300 Log Recordkeeping</b> This course will describe recordkeeping requirements, maintenance of the log, &amp; reporting of injuries, hospitalizations, amputations, &amp; loss of eye.</p>	<p>08/12 – Mt. Juliet – TCCI 08/25 – Morristown – TCCI 09/08 – Memphis – TCCI</p>
<p><b>OSHA 30-Hour General Industry</b> This course emphasizes on the identification, avoidance, control &amp; prevention of safety &amp; health hazards present in general industry.</p>	<p>11/15-18 – Greeneville – Walters State 12/06-09 – Murfreesboro – TCCI</p>
<p><b>Globally Harmonized System (GHS) and Labels</b> This course will describe the hazard communication standard, the changes required by the globally harmonized system (GHS).</p>	<p>09/19 – Chattanooga – TCCI 09/26 – Gallatin – OTIEC at VSCC Blountville – NESCC</p>
<p><b>Basic Safety</b> This course emphasizes on the identification, avoidance, control &amp; prevention of safety &amp; health hazards present in general industry - walking, working, and falling.</p>	<p>08/12 – Mt. Juliet – TCCI 08/25 – Morristown – TCCI 09/08 – Memphis – TCCI</p>
<p><b>Bloodborne Pathogens for Healthcare</b> This course will describe the bloodborne pathogens standard, requirements of the Tennessee Sharp's Injury Prevention Act, TOSHA's assistance for Healthcare Associated Infections.</p>	<p>11/09 – Murfreesboro – TCCI</p>
<p><b>Combustible Dust</b> This course will review the prevention, identification, control, &amp; mitigation of combustible dust hazards.</p>	<p>11/16 – Jackson – TCCI</p>
<p><b>Maintenance Related Standards</b> This course emphasizes on the identification, avoidance, control &amp; prevention of safety &amp; health hazards present in general industry - lock out/tag out, fall protection, electrical, pneumatic confined spaces, and egress routes, emergency preparedness.</p>	<p>11/16 – Knoxville – TCCI 12/06 – Murfreesboro – TCCI</p>
<p><b>Confined Spaces Course</b> This course will describe the confined spaces standard, requirements of the Tennessee responsibilities for confined spaces, and the application of the standard.</p>	<p>11/16 – Memphis – AGC West TN</p>
<p><b>Dock &amp; Warehouse Safety</b> This course emphasizes on the identification &amp; control of the most cited standards at the dock &amp; warehouses, including forklifts, docks, shelving &amp; storage, conveyors, cranes &amp; hoists, hazard communication, fire safety, personal protective equipment (PPE), &amp; housekeeping.</p>	<p>11/02 – Murfreesboro – TCCI 12/02 – Gallatin – OTIEC at VSCC</p>

## Agency Links

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[OSHA](#)

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[Tennessee's Government Website](#)

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[Tennessee Department of Labor & Workforce Development](#)

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[Tennessee Occupational Safety & Health Administration \(TOSHA\)](#)

## Useful Links

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[File a Complaint](#)

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[Video Library](#)

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[TOSHA Publications](#)

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[Safety & Health Congress](#)

## Recognition Links

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[TOSHA Safety Awards](#)

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[VPP](#)

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[SHARP](#)



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